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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1994/110

1. The Commission on Human Rights, in its decision 1994/110, postponed to its fifty-first session the debate under agenda sub-item entitled "Question of human rights in Cyprus", it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay, and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. In his report to the Security Council dated 4 March 1994 (S/1994/262), the Secretary-General recounted the efforts of his mission of good offices to secure agreement in principle by the Cypriot parties to the implementation of the package of confidence-building measures as described in the report of the Secretary-General submitted pursuant to Commission decision 1993/109 (E/CN.4/1994/46) and bearing in particular upon the reopening, under United Nations auspices, of both Nicosia International Airport and the fenced area of Varosha. By the end of January 1994, the two Cypriot leaders had accepted the package in principle. On 3 February 1994, the Secretary-General wrote in identical terms to the two leaders proposing that they agree within a relatively short time on the modalities for the implementation of the package. During the following weeks, agreement was reached on the key issues to be discussed during this phase and detailed negotiations were begun. In its resolution 902 (1994) of 11 March 1994, the Security Council endorsed this effort and looked forward to receiving a report from the Secretary-General at the end of March 1994.

4. During March 1994, the Secretary-General's Representatives worked intensively with both sides to elaborate the modalities for the implementation of the confidence-building measures. The revised detailed proposals presented to the parties on 21 March were accepted by the leader of the Greek Cypriot community provided that the leader of the Turkish Cypriot community accepted them. The latter, while reaffirming his acceptance in principle of the package of confidence-building measures, maintained that the detailed proposals for the implementation of the package departed from the proposals originally made by the Secretary-General and that he could not agree to them.

5. The Secretary-General informed the Security Council in his interim report of 4 April (S/1994/380) that the intense efforts of the previous weeks had not yielded agreement on the modalities for the implementation of the package of confidence-building measures. He indicated that he would continue high-level contacts with the two Cypriot parties and others in pursuit of an agreement on the basis already established and that he would report in greater detail by the end of April. In a subsequent letter of response (S/1994/414), the President of the Council conveyed the full support of members of the Council for the Secretary-General's intensive efforts and expressed regret that insufficient progress had been made to permit agreement on the implementation of the confidence-building measures. They also endorsed the Secretary-General's approach and underlined the need to conclude an agreement on the basis suggested by him, before the end of April.

6. By late May 1994, despite further extensions, agreement on the modalities for the implementation of the confidence-building measures had not been achieved. Accordingly, on 30 May 1994, the Secretary-General submitted a full report to the Security Council on the course of the negotiations (S/1994/629). He concluded that the absence of agreement was due essentially to a lack of political will on the Turkish Cypriot side. Noting that the Council intended to undertake a thorough review of the situation, including the future role of the United Nations, and, if necessary, to consider alternative ways to promote the implementation of its resolutions on Cyprus, the Secretary-General presented five options for the Council's consideration during its reassessment of this deeply unsatisfactory situation.

7. Subsequent to that report, further consultations between the Deputy Special Representative and the Turkish Cypriot leader resulted in certain clarifications of the proposals in the 21 March paper. In his letter to the President of the Security Council of 28 June 1994 (S/1994/785), the Secretary-General reported his conclusion that there had now been sufficient progress for the United Nations to implement the package on the basis of the 21 March paper and subsequent clarifications. He indicated that he planned to address to each leader a letter in identical terms expressing his intention to proceed on this basis, describing the clarifications concerned and seeking their cooperation in this endeavour. The paper of 21 March and the Secretary-General's letters to the two leaders would have been submitted to the Security Council simultaneously with the request that the Council endorse this basis for the United Nations implementation of the confidence-building measures.

8. On 21 June 1994, however, the leader of the Greek Cypriot community informed the Secretary-General that he would have difficulty in accepting this manner of proceeding, reiterating that he was not prepared to contemplate any change in the 21 March paper or any further negotiation on the confidence-building measures. The Turkish Cypriot leader had already declined to accept the proposed procedure. The Secretary-General informed the members of the Security Council of these developments and invited them to begin considering the options that he had presented to the Council in his report of 30 May 1994 (S/1994/629).

9. On 29 July 1994, the Security Council adopted resolution 939 (1994), in which it requested the Secretary-General to begin consultations with members of the Council, with the Guarantor Powers and with the two leaders in Cyprus with a view to undertaking a fundamental and far-reaching reflection on ways of approaching the Cyprus problem in a manner that would yield results. The Council also urged the parties to cooperate fully with the Secretary-General to achieve agreement on the modalities for implementing the confidence-building measures at the earliest possible time. Finally, the Council requested the Secretary-General to submit a report by the end of October 1994 including a programme for achieving an overall solution to the issues involved in the Cyprus problem following his consultations referred to above and on progress made towards the implementation of the confidence-building measures.

10. The Secretary-General reported to the Security Council on 29 October 1994 (S/1994/1229) that, pursuant to its request that he undertake consultations, he had written on 18 August 1994 to the Ministers for Foreign Affairs of the member States of the Security Council and of the Guarantor Powers seeking their views on the situation. He had also written to the two Cypriot community leaders informing them of this initiative and that he would ask his Special Representative to return to the island for consultations with them. During the following weeks the Secretary-General received responses from most of the members of the Security Council and all the Guarantor Powers. The responses indicated continuing support for the Secretary-General's efforts, but for the most part reaffirmed the positions they had taken on resolution 939 (1994). In September 1994, the Special Representative travelled to the United Kingdom, Greece, Cyprus and Turkey for consultations with the Guarantor Powers and the Cypriot parties. His interlocutors explained their latest positions in some detail. During his visits in the

region and following his return, the Special Representative reported to the Secretary-General that matters were close to an impasse both on the substance of the Cyprus problem and on the confidence-building measures.

11. With a view to leaving no stone unturned before reporting to the Security Council at the end of October, the Secretary-General wrote to both Cypriot leaders on 10 October 1994, informing them that he had requested his Deputy Special Representative to invite them to join him for a number of informal consultations at his residence with a view to exploring in a concrete manner ways in which progress might be made both in respect of the implementation of the confidence-building measures and in the long-contemplated overall settlement of the Cyprus problem. Both leaders accepted this invitation and five meetings took place between 18 and 31 October 1994.

12. The atmosphere of the joint meetings was cordial throughout. The leaders of the two communities discussed the essential elements of a federation in Cyprus, as well as matters related to the implementation of the confidence-building measures. In this connection, they explored a broad range of ideas pertaining to political equality, sovereignty, membership in the European Union, aspects of the federal constitutional arrangements, security and demilitarization, displaced persons, property claims and the issue of territorial adjustments, as well as possible ways for the early establishment of the federation and implementation of the confidence-building measures. The ideas that were broached under these headings offered, on the basis of certain trade-offs, ways of satisfying in an equitable manner what have consistently been the most deeply held concerns and interests of both the Turkish Cypriot and Greek Cypriot communities.

13. In November and December 1994, the Secretary-General met separately with each of the Cypriot community leaders to hear their views on the informal meetings. He told them that, given the necessary political will, the elements discussed during their recent joint meetings offered the possibility of a significant step forward both on the substance of the Cyprus question and on the confidence-building measures. He strongly encouraged the Turkish Cypriot leader to respond in a commensurate manner to the ideas that had been broached during the joint meetings in Nicosia. In addition, the Secretary-General instructed his Representatives to pursue their contacts with the parties in order to establish the basis for a further discussion of these issues. Those efforts are continuing.

14. The President of the Security Council wrote to the Secretary-General on 4 September 1994 (S/1994/1256) thanking him and his Representatives for their continuous efforts, noting that his review remained in progress and looking forward to receiving his definitive report at an appropriate time. In its resolution 969 (1994) renewing the mandate of the United Nations Peace-Keeping Force in Cyprus (UNFICYP), the Council welcomed the Secretary-General's decision to continue contacts with the two leaders, in order to make every effort to find common ground for the resumption of direct talks. The Council also reaffirmed the importance it attached to early progress being made on the substance of the Cyprus problem and on the implementation of the confidence-building measures.

15. Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots and Maronites living in the northern part of the island, whose number stood at 527 in November 1994. UNFICYP officers have continued to interview in private Greek Cypriots who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. The Turkish Cypriot authorities blocked these visits following the ruling of the European Court of Justice on 5 July 1994 concerning certain imports into States members of the European Union from the northern part of Cyprus, but the visits were resumed in October 1994. UNFICYP has continued to assist in arranging contacts between Maronites living on the island, 234 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Government of Cyprus. UNFICYP has also continued its periodic visits to Turkish Cypriots living in the southern part of the island and has assisted in arranging family reunion visits for Turkish Cypriots. The Force has continued to provide emergency medical evacuation of civilian members of both communities residing in the north.

16. A number of issues concerning the Greek Cypriots living in the Karpas region remained unresolved. While there was an improvement in the speed with which the Turkish Cypriot authorities vetted textbooks destined for the Greek Cypriot elementary schools in the region and they were delivered within a month of the beginning of the 1994 academic year, there were indications that Greek Cypriots living in the Karpas and Kyrenia were subject to many restrictions or experienced considerable difficulties in leading a normal life. In connection with its humanitarian functions, UNFICYP is undertaking an in-depth review concerning the situation of Greek Cypriots and Maronites living in the northern part of Cyprus and Turkish Cypriots living in the southern part of the island.

17. UNFICYP received allegations from members of the Turkish Cypriot community that 22 Turkish Cypriots in the southern part of the island had been taken into police custody there, beaten and forcibly sent across the buffer zone into the northern part of the island. UNFICYP civilian police conducted a limited investigation and concluded that prima facie there was adequate material to support the plausibility of the allegations raised. Details of the civilian police investigation were passed by UNFICYP at the time to the Government of Cyprus for investigation. The Government subsequently replied that, in the light of the evidence submitted by UNFICYP, the allegations could not be conclusively substantiated.

18. In Pyla, a village located in the buffer zone, the inhabitants of which comprise members of both the Greek Cypriot and Turkish Cypriot communities, life has continued to be calm and bi-communal relations in the village have been, for the most part, harmonious. UNFICYP has continued its efforts to facilitate relations by closely monitoring the situation and promoting practical solutions to various issues; a welcome development was the lifting by the Government of Cyprus of the police checkpoint on the Larnaca-Pyla road outside the buffer zone to the south of the village, thereby permitting tourists and others to visit Pyla.

19. During the period under review the Government of Cyprus complained to UNFICYP that, according to reports in the Turkish Cypriot press, thousands of Greek language books belonging to Greek Cypriot libraries and private collections that were located in the northern part of the island prior to 1974 were to be auctioned in the northern part of Cyprus as bulk paper. The Government asked for UNFICYP assistance with a view to having the books transferred to the southern part of the island. Following enquiries made by UNFICYP to the Turkish Cypriot authorities, the auction in question did not take place.

20. The Government also protested to the United Nations concerning reports that the Turkish Cypriot authorities were preparing to transfer to Turkish Cypriots and to persons from the Republic of Turkey some 17,000 titles of immovable property belonging to Greek Cypriots and located in the northern part of the island. The matter was taken up with the Turkish Cypriot authorities. The issue of property of Greek Cypriots and of Turkish Cypriots is one of the key elements of the ongoing effort to reach an overall settlement of the Cyprus problem in the framework of the Secretary-General's mission of good offices.

21. UNFICYP has continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus, and to carry out bi-communal cooperation in a variety of areas. The Force has also maintained close cooperation and liaison with the respective police authorities on matters of the intercommunal concern.

22. The Committee on Missing Persons has continued its activities, but the Secretary-General, in identical letters to the two Cypriot leaders dated 28 February 1994, expressed his continuing concern about the lack of progress. He reiterated his appeal to both leaders to support two vital recommendations:

(a) Both sides should submit to the Committee all their cases without further delay;

(b) The Committee should urgently reach a consensus on the criteria to be applied for concluding its investigations.

23. The Committee held three sessions consisting of 12 meetings during the first six months of 1994. During the second half of the year, there were no formal meetings, but bilateral meetings of the Third Member and his assistants with each side continued on a regular basis in an effort to bridge the differences between the sides. Both sides were urged to submit all their cases without further delay and to come to a consensus on the criteria to be applied for concluding and investigation. Progress was made on a draft of the criteria, but several issues are still unresolved. Agreement was reached on procedural guidelines for the investigations and the submission of cases has continued. The Third Member has been requested to submit in the near future a report on the situation. In the light of that report, the Secretary-General will consider the question of continued United Nations support for the Committee.

24. Since 16 June 1993, the financing of UNFICYP has consisted of voluntary contributions of $6.5 million annually from the Government of Greece and one third of the cost of the Force from the Government of Cyprus, with the remaining amount assessed on Member States. The estimated cost of maintaining the Force for six months is $22.1 million, with approximately $11.5 million of that amount assessed on Member States.

25. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/1994/680 and S/1994/1407). Accounts of recent developments in the Secretary-General's mission of good offices in Cyprus are contained in his most recent reports and letter to the Security Council (S/1994/262, S/1994/380, S/1994/629, S/1994/785 and S/1994/1229).

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